

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
(Alexandria Division)**

IN RE CAPITAL ONE CUSTOMER DATA
SECURITY BREACH LITIGATION

MDL No. 1:19-md-2915 (AJT/JFA)

RELATED CASE:
Civil Action No.: 1:19-cv-1454

REQUEST FOR CONSOLIDATION AND NOTICE OF RELATED CASE

Plaintiffs Andrew Broderick, Jacqueline Burke, Susan Corley, Lynn Fields, Kimberly Hernandez, Kristina Mentone, Mark Miller, Mordechai Nemes, Ryan Olsen, Debra Potzgo, Shawn Spears, Janett Stout, Cole Studebaker, and Jonathan Wong hereby notify the Court that their complaint, *Broderick v. Capital One Financial Corporation* (No. 1:19-cv-1454), filed on November 15, 2019 in the Eastern District of Virginia, Alexandria Division (the “Broderick Complaint”), is related to civil actions consolidated into this multidistrict litigation. Plaintiffs respectfully request that the *Broderick* Complaint immediately be consolidated into this MDL pursuant to Judge Trenga’s Initial Pretrial Order #1. (See ECF No. 3) (“Any ‘tag-along actions’ later filed in, removed to or transferred to this Court, or ***directly filed in the Eastern District of Virginia, Alexandria Division, will automatically be consolidated*** with this action without the necessity of future motions or orders.”) (emphasis added); *see also* Judicial Panel on Multidistrict Litigation Rule 7.2 (“Potential tag-along actions filed in the transferee district do not require [JPML] action. A party should request assignment of such actions to the section 1407 transferee judge in accordance with applicable local rules.”).

Plaintiffs’ complaint is related to this MDL action because they (i) involve common issues of fact and (ii) grow out of the same events. The first Pretrial Order in this MDL states that the consolidated cases

share factual issues concerning a recently-announced incident in which an individual gained unauthorized access to the personal information, maintained on cloud-based systems, of more than 100 million Capital One credit card customers and individuals who applied for Capital One credit card Products [and] [a]ll actions arise from the same data security breach.

Pretrial Order #1 (ECF No.3) at 1.

Paragraph 1 of the Broderick Complaint states:

In March 2019, Capital One was the subject of one of the largest data thefts in history. The attacker, a former employee of Amazon Web Services, was caught and indicted. As information came to light about the nature of the attack, a striking set of facts began to emerge—not about the attacker, but about Capital One and Amazon. They had together, over several years, orchestrated a massive migration of highly sensitive data to a public cloud under the cover of false statements and Potemkin security software that Capital One and Amazon jointly created and jointly marketed to customers, regulators, and to the public as a means of keeping the data safe. But it was all a lie—and unbelievably, the precise conditions created by Defendants that gave rise to the March data theft persist to this day.

See **Exhibit 1** (Broderick Complaint). Because Plaintiffs' Broderick Complaint relates to "the same data security breach" and involves common questions of fact with the MDL, Plaintiffs respectfully request that their case immediately be consolidated into this MDL.

Dated: November 15, 2019

Respectfully Submitted,

/s/ Andrew M. Williamson

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CERTIFICATE OF SERVICE

I hereby certify that on the 15th day of November, 2019, I caused a copy of the foregoing to be e-filed and served via the Court's electronic filing system to all parties and counsel receiving electronic service.

/s/ Andrew M. Williamson
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